

WESTFIELD TOWNSHIP TRUSTEES
Regular Meeting
September 20, 2010

Trustee Oiler opened the meeting at 7:00 pm by asking those in attendance to stand and Pledge Allegiance to the Flag.

Trustees present: James Likley, Ronald Oiler, and Gary Harris.

A sign in sheet is attached to the minutes as to others that were present.

WELCOME GUESTS

- ❖ Linda Paulick, Auditor's Office announced Top Dog contest for 4th graders with a lot of prizes. If you enter you get a free ice cream cone from Northland Dairy Queen.
Contest for Senior High School students to design the commercial auditor's stamp of inspection. There will be 2 prizes this year of a \$100 savings bond.
- ❖ Carolyn Sims, resident presented 7 exhibits to be attached to the minutes in the fiscal officers' office.
 - i. Post article 9-19-10 (error in stating the map amendment as approved by the Planning Commission) Trustee Likley interjected that the map amendment was not approved by the Planning Services or the Planning Commission only the text amendment with modifications was approved by the Planning Services and the Planning Commission. Gayle Foster was asked to clarify that misinformation in the up coming article.
 - ii. Concern about the spirit of the article from the Gazette (Stan Scheetz statement circled and highlighted "We're trying to create a focal point of a business district that would cater primarily to the residents of Westfield Township") and the Post ("Scheetz said his proposals will cater to residents of the township, not the transients the highway brings")
 - iii. Letter to Medina County Commissioners dated Sept. 3, 2010 from Stan Scheetz (highlighted sentence "Our proposal is to cater to southern Medina County, northern Wayne County, northeastern Ashland Count and southeastern Lorain County). This appears to be a contradiction in a period of 11 days versus his statement referenced in ii. at the public hearing Sept. 14, 2010.
 - iv. Letter from Medina County Prosecutor, Wm. L. Thorne on Board Member Recusal dated August 28, 2008 ("even if they don't believe they have a such a relationship, it will likely appear to the public that such a relationship exists"). Ms. Sims comments are in reference to Scott Anderson as a board member of the Westfield Township Zoning Commission that is hearing the proposed text and map amendment. Ms. Sims is contending that Mr. Anderson should recuse himself because his property is possibly contiguous or very near to the proposed area that is specified in the map amendment and that having a relationship as he is married to the applicants' cousin. Ms. Sims asked for a poll of the board of trustees their individual opinion on Mr. Anderson's recusal. **Trustee Oiler, "I'll refer that to the county prosecutor". Trustee Harris, "same no comment". Trustee Likley "it has been reviewed and discussed in the past. The letter that**

you submitted has been presented here to the township regarding this. If there is anything that has changed that needs to be reviewed by the prosecutor's office, I'd say let him take a look at it see how it looks. But the perception has always been a concern of any board; if the residents perceive an issue that board member should step down. But we will let Mr. Thorne take a look at it and see what his take is on it. Ms. Sims asked that the board does that expediently so not to hold up the public hearing process or invoking any type of issue from the township with the documentation that I provided you.

- v. 2 maps pointing out Scott Anderson's property and a print out of parcel search of the properties.
- ❖ John Miller, resident and Zoning Commission Board Member stated he was asked to come this evening by Mr. Harris. I see on tonight's agenda Executive Session for employee discipline, if that is for me, I made my statement in public and I will give my explanation in public. (Please note that Mr. Miller read a statement of explanation Exhibit 9 which is attached to the minutes in the fiscal officer's office.)
- ❖ Stan Scheetz, representative for applicants asking for the text amendment & map amendment:
 - a) Seville Board of Public Affairs 2008 public utilities study of the areas that they could service both in Westfield Township, Guilford Township and the Village of Seville. The report does in fact state that they could service the entire 407 acres that is proposed for the map amendment however, the board as well as the Seville council determined and they re-confirmed tonight and they will submit the minutes that they are only interested in providing sewer and water to the east side of Chippewa Creek. The west side of the Chippewa Creek cannot be handled without lift stations. Seville currently has a written policy that first does not allow lift stations within the Village of Seville to operate their sanitary sewer and second they will not provide sanitary sewer unless an annexation is completed. They only provide within their own jurisdiction and again that is solely for clarification that annexation is not an issue on the west side of the creek. If the east side is zoned industrial and there is some kind of a cooperative agreement worked out with the village it's never about whose jurisdiction you can build in it's always about what you can build within the jurisdiction and who can provide the services.
 - b) The sketch referred to by Ms. Sims was at a work session considering areas. When the application was actually filed the land was not included because we did not need the land. When I solely represented the Kratzer's, I was told that was spot zoning and too small of an area. From an informational meeting in May; 37 of the 40 individual property owners subscribed to the application, there was no coercion, simply an informational meeting. They had 3 months to make the decision and in 3 months that is what I received. In this application I represent them as a class. Every one of the applicants has signed an agreement and a retainer. The issue of Mr. Conley has been brought up. Mr. Conley was the only one that was getting a free ride and all other clients were paying for the annexation.
 - c) The 407 acres that we are currently looking at: 92 acres in the flood plain leaving 300+ acres to work with. The developers paid for infrastructure. The 4 reasons that Planning Commission disapproved the map: 1. Area too large . 2. Too much undeveloped land. 3. Competition.

4. Your recommendation in the Comprehensive Plan that this area be Industrial. They thought you had already adopted that Comprehensive Plan. I pointed out that you had not adopted the amended Comprehensive Plan at this point.

FISCAL OFFICER'S REPORT

- Bills in the amount of \$3,258.75 were submitted. (List attached & provided on table for the public) Trustee Likley had a question as to which fund the employee folders would be paid out of. The answer was Fire Levy Fund because they were for the volunteers that the township will be accepting Oct. 1, 2010. **Trustee Oiler made a motion to pay the bills, seconded by Trustee Harris. Roll call: Harris, aye; Oiler, aye; Likley, aye.**
- Fund Status: Checking \$315,550.10 Investment \$537,561.98
- Correspondence:
 - Records training available (1 time an elected official must attend during their term)
 - Zoning Training Seminars offered by the Ohio Township Association
 - Northeast Ohio Township Association meeting 09-30-10 @ 7:30 pm in Brunswick Hills
 - Rec'd Proposed 2011 budget from the auditor's office for review. Budget hearing 9-24-10.
 - Letter from Medina Co. Eng. It will be up to the township to determine which roads will be subject to the frost laws. Trustee Likley stated also in the letter that it will be the township's responsibility to provide, install and take down signage. Trustee Oiler reported that most of the township roads are in good shape but they will look at a couple of roads to determine if they would be subject to frost damage.
 - Trustee Oiler reported that the board of trustees did receive a letter from S. Forrest Thompson, attorney for Timothy & Linda Kratzer. All on the board acknowledged they had read the letter. Trustee Oiler asked that the letter be made part of the minutes. Trustee Likley mentioned that Attorney Thompson requested that the letter be read into the formal record at the next trustees meeting. (The letter is attached as Exhibit 8 to the minutes in the fiscal officer's office). Trustee Harris read the letter in its entirety. Trustee Oiler stated that the letter has been forwarded to the prosecutor's office as well as the disc from the 9-14-10 meeting.

RESOLUTION 2010-22 A RESOLUTION ACCEPTING ALL PREVIOUSLY UTILIZED WESTFIELD FIRE AND RESCUE'S FIREMEN EMPLOYED BY WESTFIELD VILLAGE AS TOWNSHIP VOLUNTEER FIREMEN AND ESTABLISHING ONE FUND FOR ALL PAYROLL AND OTHER WESTFIELD FIRE AND RESCUE EXPENTIRUES

Trustee Oiler moved to adopt Resolution 2010-22, seconded by Trustee Harris. Discussion: Trustee Likley asked if this has met Mr. Thorne's review. Fiscal Officer answered, yes.

Roll call: Likley, aye; Oiler, aye; Harris, aye.

RESOLUTION 2010-23 A RESOLUTION TO AUTHORIZE THE INCREASE CHARGES FOR WESTFIELD FIRE AND RESCUE EMERGENCY MEDICAL SERVICES AND TO NOTIFY LIFE FORCE SERVICES OF THE SAME AND CHANGE OF ADDRESS

Trustee Oiler made a motion to adopt Resolution 2010-23, seconded by Trustee Harris. Discussion: Trustee Likley, just for clarification that this was previously discussed and voted on by this board earlier in the spring and this is just a formal resolution to be sent to Life Force to proceed with that billing and the change of address.

Roll call: Oiler, aye; Harris, aye; Likley, aye.

MEETING MINUTES

August 25, 2010 – Trustee Likley made the following amendment: 3rd check mark 2nd & 3rd sentences should read: *All equipment will be owned by the Village & Township. At such time a Fire District is formed and funded then all equipment will be purchased by the District henceforth. Options for either Village or Township to purchase either entity's interest listed in Exhibit B only if the contract is terminated.* 2nd page 3rd sentence – replace the word has by *is*.

Trustee Harris made a motion to accept the minutes as amended, seconded by Trustee Oiler.

Roll call: Harris, aye; Likley, aye; Oiler, aye.

September 7, 2010 - Trustee Harris made the following correction – Page 3 8th bullet point last sentence; I have *had a* brief.....

Trustee Oiler made a motion to accept the minutes with corrections, seconded by Trustee Likley.

Roll call: Likley, aye; Oiler, aye; Harris, aye.

CEMETERY & PARK

Trustee Likley reporting:

- ✓ I had spoken with the Lee concerning the excavation work at the cemetery. The excavator is 1-2 weeks out of getting started
- ✓ Trustees have reviewed suggestions by Lee as to the foundations for monuments at the cemetery and additional rate increases. The only increase that I am proposing is for the additional charge for opening and closing on Saturday, Sunday or Holidays to \$100. ADDITIONAL STATEMENTS: Monument foundation to be installed by monument provider. Must be inspected and approved by township representative. Saturday, Sunday inspections charge \$50. One (1) grave lot (In selected areas only). No increases in sales or opening and closings. **Trustee Likley made a motion to recommend the changes in rates as provided in the above statement (a copy of the new rates included with the minutes and on the web site), seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye.**

FIRE

Heather Sturdevant reporting:

- Fire Prevention Week is Oct. 3-9, 2010. Our fire department will be doing some things with the schools
- Fire Chief & I met today and finished up the bills August 22 – September 17th. This was his first training in billing. (Attached to minutes is a report of everything that was billed for the year through August 22nd.) We have the success rate of collecting 80% of the amount billed. Trustee Likley mentioned that

the pending contract with the Village will be retroactive January 1, 2010. Another item is the soft billing of residents and hard billing of non-residents may change if the pending contract is ratified.

Resident C. Sims question: In the dollar amount how many runs are residents, village residents vs. non-residents.

Heather: We do not bill village residents, Gloria Glen's residents and we do not bill the employees of Westfield Companies. The run reports would give the runs in the township and in the village. Most of the runs are in the township.

Trustee Likley: The monthly reports state village and township runs. It does not break down residents and non-residents.

Heather: We are able to bill if our department transports on a Mutual Aid call.

Carol Rumburg: How do you know not to bill Westfield Company Employees and is also a township resident?

Trustee Likley: We are still in contract negotiations with the Village of Westfield Center regarding billing. What has been proposed and they have tentatively agreed to the billing language is that non-residents will be billed, residents of the Village of Westfield Center will not be billed and if a person is transported from a place of business within the village, they also will not be billed. That is the definition and clarification.

If a non-resident works in any business within the village limits and are transported from their place of employment they will not be billed. It is the intent of the village that those people are paying their one percent income tax to the village whether they are residents or non-residents and that funding is to the fire department. That was a strong point for the village. We said then, if that's the case we will bill all non-residents and we collect 100% of the non-residents without the 75-25 split that is presently in effect. So at that point the village would not collect any billing from non-residents.

Heather: A patient's home address is on the transport form, if they don't tell us that they work for the company, we would have no way of knowing. Right now we do not bill if a patient that is picked up within the village's places of employment or are a village resident.

Trustee Likley asked if we have heard anything back concerning the fire contract. Trustee Oiler has not heard anything and has asked Bill to get in contact with Bill Hutson and to set up a few dates they could give us when everyone could sit down. With Bill and Ron being gone, it will be close to the end of the month depending on everyone's schedules. Trustee Oiler stated there were a couple of sticky points.

ROADS

Lee has been mowing. County has been on Buffham Rd. surveying at the culvert east of Lake. They are trying to get a grant to super elevate the road so that it does not throw vehicles toward the ditch. Lee is checking on the solar lights for the school on Buffham Road. There has been a person assigned to writing a grant for that purpose. Trustee Oiler presented a requisition by Lee to purchase cutting blades for the snow plows in the amount of \$2,314 (10 for the Peterbilt and 2 for the small dump truck)

Trustee Oiler made a motion to purchase 10 cutting edges from Newell Equipment for the Peterbilt snow plow and 2 cutting edges for the small dump truck for a total of \$2,314. (2-3 cutting edges are used per year)

Discussion: Trustee Likley asked if we had exhausted the 20 or so that was purchased 2 years. Fiscal officer replied that most of those were sold to other entities. Trustee Oiler stated we have one left. Trustee Likley stated that we had anticipated selling some because we did get a discounted price by buying in volume.

Trustee Harris seconded the motion. Roll call: Oiler, aye; Likley, aye; Harris, aye.

ZONING

Matt Witmer reporting:

- Numerous phone calls from a person inquiring of how he could split 18 acres on Friendsville Road with 400 feet frontage. Matt will meet with him. Trustee Likley asked if he had a copy of our zoning resolution. Matt replied that he has all kinds of information that he has gotten on line.
- Issued one accessory building permit on Kings Creek Drive.
- Spending lots of time with the soccer fields. Basically they are saying they have everything done and I'm saying they do not. They ended up calling Bill Thorne and Bill came down Thursday, he and I went over there and I showed him what the issues were. One thing that he was hesitant about is the 2nd entrance to basically all the properties back there. He said at the time the state should have shut down the one entrance that they are currently using when they opened up the other road. My point was that it is not the states responsibility it should be the township to let them know that you have 2 entrances because its township regulations and the state would not know anything about it. Bill is on vacation and when he gets back he would like to meet with zoning inspector, Mike Sweeney and Willie Carasco. Most of the points he does agree with me on. Trustee Likley asked if they comply with the site plan. Matt said that is only part of it. The one big issue is the fact that they didn't comply with the BZA request from their hearing back in May. They were supposed to have everything done by August 1, 2010, which they did not.
- Trustee Oiler asked if he received any e-mail from Mr. Burnett. Matt answered, yes. That property was split in March 2001 and the trustees signed off on that being a common driveway between the two properties and were deeded into the lot split.
- Trustee Likley: We received an e-mail from someone looking for property on Greenwich Road that was in Westfield Center Village. Matt referred her to the Village.

Heather Sturdevant reporting:

1. Clarification: Post stated our meeting with Bill Thorne is the 24th and it is not, it is Sept. 28, 2010
2. Comprehensive Plan – We were supposed to have copies from Northstar Planning for the trustees review, as of yet we have not received them. I e-mailed you the entire file where the changes have been made by the zoning commission because I haven't heard back from Mark yet. In order from the zoning secretary to write you an official letter she needs an official document and she does not have that yet. In the meantime I will keep pushing to get those copies and please look at the e-mail.
3. Received a request today from BZA chairman, Mike Schmidt regarding the work session with Bill Thorne on the application for 407 acres. BZA requested to be included in that work session because of their involvement in it if it gets approved. I requested that the prosecutor's answer be in writing but at this time I do not know if it a letter will be here in time for the 9-28-10 meeting. I just want you to be aware

that I did speak with someone in the prosecutor's office today and was advised by the prosecutors' office that it would be inappropriate at this time for the BZA to participate in that meeting because they are not involved in the decision as to whether or not that application will be approved. They are not a recommending body or a decision making body. It would be appropriate for them to attend a meeting if this application was approved. If I don't get a written response from the prosecutor's office I wanted to get your response. I did tell Mike what the prosecutor's office said but nothing is final until I receive something in writing. Trustee Likley: the BZA's concern was that their responsibility in the review of this if it was approved and as those applications and site plan reviews were going to be proposed. I think at some point they will need some understanding. If it is not recommended by legal council at this point, that's what it will be. Heather: I asked Brian Richter to get back to me as soon as possible. They said if they were included in this process it would be like including a resident of the community to sit in our work session, which we don't do. Trustee Oiler, I'm in agreement with the prosecutor's office. That work session with the prosecutor is a meeting to try and understand what it means to us and you and how it should be worded. Until all that is settled it should be just your board there and you will have enough questions as it is.

Trustee Harris – I agree with Trustee Oiler if they want to attend the workshop they can. If the prosecutor says they can be part of it and only then.

Heather had confirmation that Bill will be attending our October 12, 2010 continuation of the public hearing. Public comment and questions will be taken that evening. The public is welcome to attend on September 28th but no questions or comments.

Trustee Likley – Is it the zoning commission's intent to submit the amended comprehensive plan to this board for us to proceed with?

Heather answered, yes. We are waiting for the copies. What I sent you is that document; we are just waiting for the copies. We will be submitting what we voted on and that was to recommend the approval of the amended version of the 2009 Comprehensive Plan Update.

Trustee Likley – Is it the intent to run the amended Comprehensive Plan Update back through the steering committee for their review or their input?

Heather – It wasn't. There isn't any process at which this has to take place. What we tried to do was do the normal process for a normal application. What we did was approve the amendment and then it is up to the trustees to review the 2 versions and what they would like to approve. I will be here the night that you have your public hearing and go over the changes and the reasoning behind the changes. We know what the steering committee recommended and you know what we recommended so it is up to the trustees to choose which one you want to approve. Both groups put a lot of work into this plan update.

Trustee Harris – presented zoning fee schedules from neighboring township: Medina, Montville, Guilford, Chatham, Harrisville, and Lafayette and asked the trustees to review the fee schedules to get an idea of what other townships are charging their residents. Trustee Likley asked Trustee Harris if he pulled these fee schedules off the web sites. Trustee Harris contacted each township by phone. Trustee Likley asked if Trustee Harris knew what these townships pay their zoning board members and if they

require training and is it mandatory and do they pay their board members for training as we do. Trustee Likley stated he felt that would be valuable information in reviewing this and asked Trustee Harris to follow up on those questions. Our fee schedule and Harrisville is very basic.

OLD BUSINESS

- ✓ Trustee Likley – has there been any information on the calling of the bonds
Trustee Oiler – no information other than the former clerk contacted me and I put the ball back in her park. Her attorney is to contact our attorney at the prosecutor’s office. Again I asked for 2 or 3 dates and we will sit down with them and talk about this thing. To this date I have not heard anything from Mr. Karris.
Trustee Likley – I believe the meeting minutes of September 7th that we decided to continue to proceed with that through the prosecutors’ office. If her attorney wants to contact Mr. Karris offer some type of payment schedule, I don’t know that it’s necessary for a sit down with all attorneys and us. I think it can be communicated through their offices. I would communicate with Mr. Karris to continue to proceed. I had asked that Mr. Karris provide his communication to this board and as of yet we haven’t received that. We mentioned that to Mr. Thorne as well and he was going to follow up on that communication to Westfield Insurance as well as back to this board.

NEW BUSINESS

- ✓ Map cabinet for zoning to store maps, site plans, blue prints etc.
Trustee Oiler presented information on a used 10 drawer cabinet for \$695 from a used office furniture store. Lee had looked at it when he picked up the used fire safe.
Resident/BZA member, Tom Micklas stated he had a 15 drawer cabinet that he would sell for \$500
Fiscal Officer cautioned purchasing from a township employee as it could be an ethic issue. We will contact the prosecutor’s office for a ruling on this matter.

ANNOUCEMENTS

Fire Committee	September 23, 2010	7:00 pm at the Fire House
Zoning Commission	September 28, 2010	7:00 pm (Cloverleaf Schools site plan)
Zoning Commission	September 28, 2010	7:30 pm (workshop with Bill Thorne- text amendment)
Trustees	October 4, 2010	7:00 pm (Regular meeting)
Zoning Commission	October 12, 2010	7:30 pm (Continuation of Public Hearing on the proposed text and map amendment)

Trustee Oiler attended the Medina County Engineers meeting and passed the information across to Lee. There was information regarding signs and reflections that will take place in 2012, 2014, and 2018.

Trustee Harris made a motion to go into executive session at 8:40 pm for employee discipline, seconded by Trustee Oiler. Discussion: Trustee Likley – I thought Mr. Thorne would be here for this discussion. I question

the ability or the need to proceed with that without legal council here. Trustee Oiler – I have discussed this with legal council, Bill Thorne in person on Thursday and I feel it is necessary that we talk.

Roll call: Oiler, aye; Harris, aye; Likley, no.

Trustee Oiler made a motion to return to regular meeting from executive session at 8:55 pm, seconded by Trustee Harris. All signified by saying aye. Unanimous

Trustee Oiler made a motion that Trustee Harris contact Brian Richter, Assistant Prosecutor on the boards' concerns on the employee issue and has a letter put together to help guide us and what the next step should be, seconded by Trustee Harris. Discussion: Trustee Likley – I do not know what the motion is and what it is in reference to. I think the motion should be clear as to what it is in reference to and then we can vote. Trustee Oiler – the motion is in reference to employee discipline regarding statements made to the applicants in the audience at the zoning commission public hearing.

Roll call: Likley, no; Harris, aye; Oiler, aye.

Trustee Oiler adjourned the meeting at 9:00 pm. All signified by saying aye.

Approved October 18, 2010